



MATTHEW L. SCHWARTZ  
Tel.: (212) 303-3646  
E--mail: mlschwartz@bsfllp.com

March 27, 2017

**BY ECF AND HAND DELIVERY**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2102  
New York, New York 10007

**Re:    *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.,***  
**Case No. 15 Civ. 5345 (AJN) (KHP)**

Dear Judge Nathan:

We represent the City of Almaty, Kazakhstan and BTA Bank (the “Kazakh Entities”). Pursuant to 28 U.S.C. § 1781(b) and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Mar. 18, 1970, 23 U.S.T. 2555, 847 U.N.T.S. 231 (to which both the Republic of Cyprus and the United States are parties), we respectfully submit this application requesting that the Court issue a Hague Convention Request for International Judicial Assistance to the Central Authority of the Republic of Cyprus, in the form attached hereto as Exhibit 1 (including its proposed Exhibits A-C).<sup>1</sup> The Kazakh Entities have conferred with all parties and shared with them a copy of this request; none of the other parties oppose the issuance of a Letter of Request to the Republic of Cyprus in the attached form.

The attached proposed Letter of Request to the Republic of Cyprus seeks documents and account records held by FBME Bank Ltd (“FBME”) in Nicosia, Cyprus relating to Telford International Limited (“Telford”). As alleged in the Amended Crossclaims and in the attachment proceedings before this Court, Telford held accounts at FBME’s Nicosia’s branch, and from those accounts, wired approximately \$70 million to escrow accounts in the United States to fund Triadou’s investments, including the Flatotel and Cabrini investments at issue. [ECF No. 219 (Am. Crossclaims) ¶¶ 99-106, 133]. The Court has preliminarily found that Telford was “an Ablyazov investment entity used to move Ablyazov’s funds,” [ECF No. 175, at 6], and the Kazakh Entities now seek the assistance of the Central Authority of the Republic of Cyprus in collecting documentary evidence from FBME regarding Telford’s accounts and sources of funds.

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<sup>1</sup> The Kazakh Entities are transmitting this letter to the Court by both ECF and hand delivery. The hand-delivered version will have attached two copies of the proposed Letter of Request, in an effort to comply with the U.S. Department of State’s recommendation that Hague Convention requests be prepared in duplicate. Both copies will be labeled Exhibit 1.



If the attached proposed Letter of Request is acceptable to the Court, we respectfully request that Your Honor endorse this letter application, and take the following actions:

1. The Kazakh Entities respectfully request that Your Honor sign both of the duplicates of the Letter of Request that are attached to the hand-delivered copy of this letter application.
2. The Kazakh Entities respectfully request that Your Honor then direct the Clerk of the Court to:
  - a. apply the seal of the Court to both signed copies of the Letter of Request;
  - b. file a copy of the signed Letter of Request in the docket of this action; and
  - c. return the two signed copies of the Letter of Request to undersigned counsel for transmission to the designated Hague Convention Central Authority of the Republic of Cyprus, at the below address.

The Ministry of Justice and Public Order  
125 Athalassas Avenue  
1461 Nicosia, Cyprus

We have enclosed a self-addressed, stamped envelope for the duplicate originals, or else we would be happy to send someone to the Courthouse to pick up the originals from the Clerk's Office.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz  
BOIES SCHILLER FLEXNER LLP  
575 Lexington Avenue  
New York, New York 10022